

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. Grace & Co., et.al.,)	Case No. 01-1139 (KJC)
)	
)	(Jointly Administered)
<u>Reorganized Debtors.</u>)	
)	
MARYLAND CASUALTY COMPANY,)	
n/k/a ZURICH AMERICAN)	
INSURANCE COMPANY,)	
)	
Movant,,)	Contested Matter
)	
)	Re: Docket Nos. 32999, 33021, 33027, 33037, 33042, 33049, 33051, 33052, 33053
v.)	
)	
ROSE ROBERTS,)	
PERSONAL REPRESENTATIVE OF)	
THE ESTATE OF JAMES W. ROBERTS,)	
DECEASED,)	
)	
<u>Cross-Movant.</u>)	

STATUS REPORT

Maryland Casualty Company, n/k/a Zurich American Insurance Company (“MCC”), filed a Motion to Enforce the Permanent Channeling Injunction and for Sanctions [D.I. 32999] on January 29, 2018, against Libby Claimant Rose Roberts, Personal Representative of the Estate of James W. Roberts, Deceased, and other similarly situated claimants (the “*Roberts Motion*”). On April 17, 2018, Rose Roberts filed an Opposition and Cross-Motion to Stay and/or Dismiss the *Roberts Motion* [D.I. 33021] (the “Cross-Motion”). MCC filed a Reply in Support of the *Roberts Motion* [D.I. 33027] on April 25, 2018. The Court heard argument on the Roberts Motion and the Cross-Motion on April 30, 2018. D.I. 33037.

On June 8, 2018, the Court entered an Order [D.I. 33042] withholding ruling on the *Roberts* Motion and Cross-Motion pending the Third Court Court of Appeals' issuance of an opinion in *Continental Cas. v. Carr (In re W.R. Grace & Co.)*, 2016 WL 6068092 (Bankr. D. Del. Oct. 17, 2016), No. 17-1208 (3d Cir.) (the “*Continental Action*”).

On August 14, 2018, the Third Circuit issued its opinion in the *Continental Action*, affirming in part and vacating and remanding in part. *In re W.R. Grace & Co.*, 900 F.3d 126, 137-39 (3d Cir. 2018). On August 15, 2018, Judge Gross issued an Order [D.I. 33049] inviting the parties to the *Roberts* Motion and Cross-Motion to submit letters addressing the effect of the opinion in the *Continental Action* on the cross-motions. Both parties submitted letters in response to the Court’s Order. See D.I. 33051, 33052 (copies attached).

The Third Circuit issued its mandate in the *Continental Action* on September 5, 2018. On September 14, 2018, Chief Judge Sontchi reassigned to Your Honor the *Roberts* Motion and Cross-Motion, the *Continental Action*, and a separate Adversary Proceeding, *Barbara Hunt et al. v. Maryland Casualty Co.*, Adv. Pro. No. 18-50402 (“*Hunt Action*”). D.I. 33053. Separate status reports are being submitted in the *Continental Action* and the *Hunt Action*.

Dated: October 11, 2018

Respectfully submitted,

CONNOLLY GALLAGHER LLP

/s/ Jeffrey C. Wisler

Jeffrey C. Wisler (No. 2795)
The Brandywine Building
1000 West Street, Suite 1400
Wilmington, DE 19801
Telephone: (302) 757-7300

**ECKERT SEAMANS CHERIN
& MELLOTT, LLC**

Edward J. Longosz, II
Mark A. Johnston
Kennedy C. Ramos
1717 Pennsylvania Avenue, NW
12th Floor
Washington, DC 20006
(202) 659-6600 Telephone
(202) 659-6699 Facsimile
elongosz@eckertseamans.com
mjohnston@eckertseamans.com
kramos@eckertseamans.com
*Attorneys for Maryland Casualty Company, n/k/a
Zurich American Insurance Company, successor by
merger to Maryland Casualty Company*

#05417916